

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BITLER, Catherine M., et al.

Application No.: Unknown

Filed: Herewith

For: METHODS FOR SELECTING COMPOUNDS
FOR TREATING ISCHEMIA-RELATED
CELLULAR DAMAGE

)
)
) Examiner: Baskar, P.

)
) Group No.: 1645

COPY OF PAPERS
ORIGINALLY FILED

Certificate of Mailing (37 C.F.R. § 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C., 20231.

Date: 1/18/02

By: [Signature]

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

**REQUEST FOR FILING A CONTINUATION PATENT APPLICATION
UNDER RULE 1.53(b)**

Adjustment date: 02/19/2002
01/18/02
09/393,137

Sir:

1. Type of Application

This is a request for filing a continuation patent application under 37 CFR §1.53(b) of U.S. Patent Application No. 09/393,137, filed on September 10, 1999.

This continuation application is being filed before the termination of the proceedings on the prior application. 37 CFR 1.53(d)(1)(ii)(C).

The term for response or taking action in the prior application expires on January 18, 2002.

This continuation application names as inventors, the same inventors named in the prior application on the date this continuation application under 37 CFR 1.53(d)(2)(iii) is being filed.

Enclosed is a copy of the prior Application No. 09/393,137, filed September 10, 1999, including copies of the specification, drawings and the executed oath or declaration as filed. A new set of claims is filed herewith.

2. Continuation Status and Incorporation by Reference

This application is a continuation and claims the benefit under 35 U.S.C. §120 of U.S. Patent Application Serial No. U.S. 09/393,137, filed on September 10, 1999; which claims the benefit under 35 U.S.C. §119 of U.S. Provisional Application Serial No. 60/100,241, filed September 14, 1998, U.S. Provisional Application Serial No. 60/137,618, filed June 4, 1999, and U.S. Provisional Application Serial No. 60/138,855, filed June 11, 1999, all disclosures of which are incorporated herein by reference.

3. Fee Calculation

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	13	-20 =	x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	1	-3 =	X	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00
Filing Fee Calculation					\$740.00

4. Fee Payment Being Made at This Time

Enclosed	
Filing Fee	\$740.00
Total Fees Enclosed	\$740.00

5. Method of Payment of Fees

Charge Account No. 01-2707 in the amount of \$740.00.
A duplicate of this request is attached.

6. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 01-2707:

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

7. Instructions as to Overpayment

Credit Account No. 01-2707

Date: 1/18/02

Registration No. 42,484

(650) 794-4375

Customer No.: 21835

Respectfully submitted,

Dianna L. DeVore

Dianna L. DeVore

Elan Pharmaceuticals Inc.
800 Gateway Boulevard
South San Francisco, CA 94080